

1	UNITED STATES DISTRICT COURT	
2	DISTRICT OF NEVADA	
3	CARL DEAN EDWARDS,	Case No. 3:20-cv-00716-APG-WGC
4		ORDER
5	v.	
6	STATE OF NEVADA, <i>et al.</i> ,	
7		Defendants
8		

9 **I. DISCUSSION**

10 On December 29, 2020, this Court ordered Plaintiff to file a fully complete
11 application to proceed *in forma pauperis* or pay the full \$402 filing fee on or before March
12 1, 2021. (ECF No. 3). On February 5, 2021, Plaintiff filed an application to proceed *in*
13 *forma pauperis*, however, Plaintiff's application does not contain his two signatures on
14 page 3 of the application. (ECF No. 5). The Court will provide Plaintiff one additional
15 opportunity to file a fully complete application to proceed *in forma pauperis* or pay the full
16 \$402 filing fee on or before **March 1, 2021**.

17 Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin
18 a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil
19 action without prepaying the full \$402 filing fee. To apply for *in forma pauperis* status, the
20 inmate must submit all three of the following documents to the Court:

- 21 (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, this
22 Court's approved form (i.e. pages 1 through 3 with the inmate's two signatures on
23 page 3),
24 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail
25 official (i.e. page 4 of this Court's approved form), and
26 (3) a copy of the **inmate's prison or jail trust fund account statement for the**
27 **previous six-month period**.

28 Accordingly, the Court denies Plaintiff's application to proceed *in forma pauperis*

1 (ECF No. 5) without prejudice because the application is incomplete.

2 If Plaintiff is unable to file a fully complete application to proceed *in forma pauperis*
3 with all three required documents or pay the full \$402 filing fee on or before **March 1,**
4 **2021**, this case will be subject to dismissal without prejudice for Plaintiff to file a new case
5 with the Court when Plaintiff is either able to acquire all three of the documents needed
6 to file a fully complete application to proceed *in forma pauperis* or pays the full \$402 filing
7 fee.

8 A dismissal without prejudice means Plaintiff does not give up the right to refile the
9 case with the Court, under a new case number, when Plaintiff has all three documents
10 needed to submit with an application to proceed *in forma pauperis*. Alternatively, Plaintiff
11 may choose not to file an application to proceed *in forma pauperis* and instead pay the
12 full filing fee of \$402 on or before **March 1, 2021** to proceed with this case.

13 The Court will retain Plaintiff's civil rights complaint (ECF No. 1-1), but the Court
14 will not file the complaint unless and until Plaintiff timely files a fully complete application
15 to proceed *in forma pauperis* with all three documents or pays the full \$402 filing fee.

16 **II. CONCLUSION**

17 For the foregoing reasons, IT IS ORDERED that Plaintiff's application to proceed
18 *in forma pauperis* (ECF No. 5) is denied without prejudice to file a new fully complete
19 application to proceed *in forma pauperis* with all three documents.

20 IT IS ORDERED that the Clerk of the Court will send Plaintiff the approved form
21 application to proceed *in forma pauperis* by an inmate, as well as the document entitled
22 information and instructions for filing an *in forma pauperis* application.

23 IT IS FURTHER ORDERED that on or before **March 1, 2021**, Plaintiff will either
24 pay the full \$402 filing fee for a civil action (which includes the \$350 filing fee and the \$52
25 administrative fee) or file with the Court:

26 (1) a completed Application to Proceed in Forma Pauperis for Inmate on this
27 Court's approved form (i.e. pages 1 through 3 of the form with the inmate's two signatures
28 on page 3),

1 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail
2 official (i.e. page 4 of this Court's approved form), and

3 (3) a copy of the **inmate's prison or jail trust fund account statement for the**
4 **previous six-month period.**

5 IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete
6 application to proceed *in forma pauperis* with all three documents or pay the full \$402
7 filing fee for a civil action on or before **March 1, 2021**, this case will be subject to dismissal
8 without prejudice for Plaintiff to refile the case with the Court, under a new case number,
9 when Plaintiff has all three documents needed to file a complete application to proceed
10 *in forma pauperis* or pays the full \$402 filing fee.

11 IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint
12 (ECF No.1-1) but will not file it at this time.

13 DATED: February 10, 2021

14 Walter G. Cobb

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UNITED STATES MAGISTRATE JUDGE

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